IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

**APPEAL FROM ORDER NO.899 OF 2004**

Shri Mohan Tukaram Tupe ... Appellant

V/s.

Smt.janabai Tukaram Tue & Ors. ... Respondents

Mr.N.P. Deshpande for Appellant

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **OCTOBER 19, 2004**

**P.C.:**

. This Appeal from Order has been filed against the rejection of the Exhibit 5 and Exhibit 32 applications by which the appellant had sought temporary injunction against the respondent. According to the appellant, he is entitled to temporary injunction restraining the respondent from accepting consideration under another development agreement and from implementing the said agreement. The learned trial Judge has considered the fact that there was a partition of the properties and the suit property did not fall to the share of the appellant. This partition was effected between Sitaram P. Tupe, Madhukar Tupe and Mohan Tupe i.e., the Appellant herein by a registered deed dated 6.11.1987, which was produced on record. The Appellant contends that since his name is shown in the 7/12

extract, he is entitled to be considered the owner of the suit property.

2. The trial Court has correctly concluded that the 7/12 extract cannot be a certificate of title in favour of the appellant. Prima facie, it appears that the Appellant has no right over the suit property in view of the deed of partition dated 6.11.1987. I see no reason to interfere with the impugned order. Appeal from Order dismissed.